

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE :  
COMMISSION,**

**Plaintiff, : Hon. Vernon S. Broderick**

**V. : Civil Action No. 1:21-CV-07700(VSB)(SN)**

**SIMON PIERS THURLOW, et al. : RESPONSE TO PLAINTIFF’S MOTION TO  
STRIKE AFFIRMATIVE DEFENSES**

**Defendants :**

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Upon review and consideration of Plaintiff’s Motion and Memorandum in Support thereof, Defendants Roger Fidler, Bryce Boucher, Bradley Fidler and Western Bankers Capital, Inc. believe it to be in their best interest, and for judicial efficiency, to not oppose the Motion and to reconsider asserting the Affirmative Defenses, if appropriate, after discovery reveals the extent to which the Complaint was filed with sufficient gross negligence and/or malice to rise to a level constituting violation of Defendants’ constitutional rights necessary to support defenses of fraud and estoppel.

November 15, 2024  
Lutz, Florida

RESPECTFULLY SUBMITTED,

THE LAW OFFICES OF ROGER L. FIDLER

BY: /s/ Roger L. Fidler

Roger L. Fidler

Attorney for Bradley Fidler,

Bryce Emory Boucher,

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